

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 05-221-B
)	
Land and Buildings Located at 21 Boulder Drive,)	
(also known as 31 Boulder Drive), Belmont, New)	
Hampshire, with all Appurtenances and Improvements)	
Thereon, Owned by Paul L. Mellor and Laura E.)	
Mellor; et als)	
)	
Defendants-in-rem.)	
)	

**ORDER ON ASSENTED-TO MOTION TO SUBSTITUTE AND FORFEIT \$11,339.25
FOR DEFENDANT IN REM 21 BOULDER DRIVE (ALSO KNOWN AS 31 BOULDER
DRIVE), BELMONT, NEW HAMPSHIRE AND TO DISMISS DEFENDANT IN REM
21 BOULDER DRIVE (ALSO KNOWN AS 31 BOULDER DRIVE),
BELMONT, NEW HAMPSHIRE**

1. On June 17, 2006, the United States commenced an action by Verified Complaint for Forfeiture *in rem*, seeking, *inter alia*, the forfeiture of the defendant *in rem* real property 21 Boulder Drive (also known as 31 Boulder Drive), Belmont, New Hampshire, titled to Paul L. Mellor and Laura E. Mellor, pursuant to 21 U.S.C. §§ 881(a)(6) and (7). This Complaint, and Notice of Complaint, were served on all known potential claimants, including Paul L. Mellor and Laura E. Mellor.

2. Paul L. Mellor and Laura E. Mellor filed timely claims on November 4, 2005.

3. The United States and claimants Paul L. Mellor and Laura E. Mellor have reached an agreement which provides for the substitution of \$11,339.25 in United States funds for the *res* of the defendant *in rem*, 21 Boulder Drive (also known as 31 Boulder Drive), Belmont, New

Hampshire, titled to Paul L. Mellor and Laura E. Mellor, and for the forfeiture of the substitute *res*. The defendant *in rem* 21 Boulder Drive (also known as 31 Boulder Drive), Belmont, New Hampshire, titled to Paul L. Mellor and Laura E. Mellor, will be dismissed from this action. The remaining balance of the proceeds of the interlocutory sale, \$2,039.12 will be dismissed from this action and returned to the claimants, Paul L. Mellor and Laura E. Mellor.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That the sum of \$11,339.25 in United States funds is hereby substituted as the *res* for the defendant *in rem* 21 Boulder Drive (also known as 31 Boulder Drive), Belmont, New Hampshire;

B. That the defendant *in rem* 21 Boulder Drive (also known as 31 Boulder Drive), Belmont, New Hampshire is hereby dismissed from this proceeding;

C. That that remaining balance of the proceeds of the interlocutory sale, \$2,039.12 is hereby dismissed from this proceeding;

D. That all rights, title and interests to the substituted defendant *in rem* \$11,339.25 is hereby condemned, forfeited and vested in the United States of America pursuant to 21 U.S.C. §§ 881(a)(6) and (7), free from the claims of any other party;

E. That the substituted defendant *in rem* \$11,339.25 in United States funds shall be disposed of by the United States Marshals Service (USMS) in accordance with the applicable law and regulations. These funds, less costs to the USMS associated with the defendant *in rem* shall be deposited into the Department of Justice Asset Forfeiture Fund in accordance with Title 28, United States Code, Section 524(c) and Title 21, United States Code, Section 881(e).

F. That the remaining balance of the proceeds of the interlocutory sale, \$2,039.12 is returned to the claimants, Paul L. Mellor and Laura E. Mellor.

G. Paul L. Mellor and Laura E. Mellor shall bear their own costs of this proceeding, including attorney's fees, if any.

The Clerk is hereby directed to send three certified copies of this Order to the United States Marshals Service and a copy to United States Attorney's Office, Attention: Assistant U.S. Attorney Robert J. Rabuck.

Dated: January 10, 2007

/s/ Paul Barbadoro

UNITED STATES DISTRICT JUDGE